

REMARKS

Entry of this amendment and reconsideration of this application, as amended, is respectfully requested.

The indication of allowable subject matter is gratefully acknowledged.

It is not believed that the rejections under 35 U.S.C. §112, first or second paragraph apply to the presently pending claims because the language objected to in the rejections is no longer found in the claims.

Furthermore, Applicants do not agree with the enablement rejection based on the alleged lack of enablement of a projectile that is not "completely" surrounded by the projectile jacket. Attention is drawn to the specification at page 10, lines 10-12, wherein, in reference to Fig. 2, there is described an opening 6 of the jacket 2 for the hollow tip 5. How can the jacket "completely" surround the fragmenting and penetrating cores if there is an opening therein? Clearly, there is support for such embodiments.

Claims 47-54, 56-58, 63-64 and 86-88 were rejected under 35 U.S.C. §102(b) for allegedly being anticipated by Pejsa. Applicants do not agree with the rejection, and submit that the rejection does not apply to any of the presently pending claims.

Pejsa's projectile is an expanding projectile (col. 1, line 7), but, in contrast, the projectile according to the invention is a partial fragmentation projectile. Note that Pejsa's jacket has slits allowing for the expansion. The claimed projectile is constructed so that it breaks apart as intended in the target body and the penetrator passes through the target body, while the projectile core remains deformed or shattered in the target body (see, e.g., page 2, lines 1 to 4). The invention lies, in part, in a separation of the two cores, wherein upon penetration into the target body, the projectile is slowed. At the same time, the projectile core strikes against the penetrator and is deformed in the latter. Because the projectile core is relatively soft, it deforms so greatly or becomes so greatly mushroomed that it remains in the target body.

Such fragmentation behavior is not taught or suggested by Pejsa.

Claims 47-54, 57-58, 63, 65-66 and 86-88 were rejected under 35 U.S.C. §102(b) for allegedly being anticipated by Wood. Applicants respectfully traverse.

Wood discloses a deformation projectile ("expanding bullet" - see, e.g., page 1, line 14 and claim 1) in which the two cores do not separate from one another. The cores are bonded tightly together by a tapering body 4. It is apparent from Figures 10 to 12 that the hard core 1 deforms and with it the soft core 2. Wood does not disclose every limitation of the claimed invention, e.g., a partial fragmentation projectile, thus, the rejection should be withdrawn.

Claims 47-52, 54, 56, 58, 65, 66 and 85-88 were rejected under 102b for allegedly being anticipated by Carter. Applicants respectfully traverse.

Carter's projectile is also an expansion projectile: "bullet of the bonded core, soft-nose, controlled expansion type..." (col. 1, lines 4 and 5) and therefore it does not anticipate a partial fragmentation projectile as presently claimed. The projectile of Fig. 5 of Carter shows a completely different construction than that presently claimed. In particular, this figure shows "a jacket" that has the soft core set forth therein but not the tip (which the examiner equates to the "hard core"). Thus, the cores are not contained in the jacket, assuming for the sake of argument that item 14 is a jacket.

None of the aforementioned references show projectiles which are of the same type as the projectile of the invention; they disclose deformation projectiles rather than a partial fragmentation projectile. The impact on and the penetration into a target body results therefore in a completely different fragmentation of the projectile compared to the projectile of the presently pending claims.

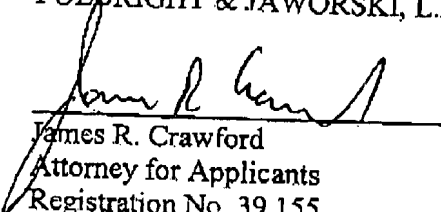
In view of the foregoing, it is respectfully requested that all 35 U.S.C. § 102(b) rejections of the claims be withdrawn.

Furthermore, it is not believed that Stone overcomes the deficiencies of Pejsa, so the 35 U.S.C. § 103(a) rejection should be withdrawn as well.

In view of the foregoing, allowance is respectfully requested.

If any fees are due to enter this amendment or to maintain pendency of this application, authorization is given to charge such fees to deposit amount no. 50-0624.

Respectfully submitted,
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